

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Michael Benson, and others similarly
situated,

Case No. 22-cv-1601 (ECT/TNL)

Plaintiff,

**CASE MANAGEMENT
ORDER**

v.

Jodi Harpstead, Commissioner of the
Department of Human Services, sued in
official capacity,

Defendant.

Consistent with the Court's August 23, 2022 Order, ECF No. 11, Defendant Jodi Harpstead filed a Motion to Dismiss Plaintiff's Complaint, ECF No. 12, on September 30, 2022. This motion has been referred to the undersigned for a report and recommendation pursuant to 28 U.S.C. § 636. Pursuant to the August 23 Order, Plaintiff's response is due on or before **October 28, 2022**. ECF No. 11 at 2. Any reply by Defendant is due on or before **November 14, 2022**. The motion will then be deemed submitted and the Court will issue its report and recommendation based on the papers, without a hearing.

All prior consistent orders remain in full force and effect. Failure to comply with any provision of this Order or any other prior consistent Order shall subject the non-complying party, non-complying counsel and/or the party such counsel represents to any and all appropriate remedies, sanctions and the like, including without limitation: assessment of costs, fines and attorneys' fees and disbursements; waiver of rights to object; exclusion or limitation of witnesses, testimony, exhibits and other evidence; striking of

pleadings; complete or partial dismissal with prejudice; entry of whole or partial default judgment; and/or any other relief that this Court may from time to time deem appropriate.

IT IS SO ORDERED.

Date: October 7, 2022

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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